

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JAN 16 2 21 PM '02

CLERK
BY PD
DEPUTY CLERK

SUSAN ABDO,

Plaintiff,

v.

UNIVERSITY OF VERMONT,

Defendant.

CIVIL COURT ACTION

DOCKET NO. 1:02-CV-12

COMPLAINT

NOW COMES the plaintiff, Susan Abdo, by and through her attorneys, Blackwood Associates, P.C. and Vermont Legal Aid, Inc., and hereby complains against the defendant University of Vermont (hereafter UVM) as follows:

1. Ms. Abdo is a resident of the City of Montpelier, County of Washington, State of Vermont.

2. UVM is an institution of higher education, a place of public accommodation, a recipient of federal financial assistance, and a public corporation of the State of Vermont with its principal place of business in the City of Burlington, County of Chittenden, State of Vermont.

3. This action arises under §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794; the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.; the Vermont Public Accommodations Act, 9 V.S.A. §4501; and the common law of the State of Vermont. This court has jurisdiction under 12 U.S.C. 1331.

Factual Basis

4. In January 1999, Ms. Abdo registered for two graduate level courses at UVM.

5. Before doing so, Ms. Abdo had met with two of the professors to ensure that she would be able to perform well in the classes because she was suffering from several disabilities as the result of prior automobile accidents.

6. Among her disabilities and symptoms at the time, Ms. Abdo experienced chronic pain and deconditioning, particularly in her back and neck. She was undergoing periodic surgeries related to jaw, tooth, and gum injuries. She suffered severe fatigue and limited ability to concentrate.

7. At the time, UVM policy required students with physical disabilities to provide documentation of their disabilities to the Office of Specialized Student Services (OSSS), which Ms. Abdo did. OSSS was then to recommend reasonable accommodations appropriate to the student's disability and the academic program requirements and convey these to the student's professors.

8. OSSS did not provide Ms. Abdo with the required accommodations and instead required her to initiate contacts with multiple other offices of UVM to try to meet her needs.

9. Ms. Abdo became quite exhausted and had difficulty completing her work because of the failure to provide accommodations.

10. OSSS also failed to provide Ms. Abdo's professors with information about her disabilities and needed accommodations.

11. Ms. Abdo was penalized by the professors in one of her classes for being unable to attend class and to fulfill all her classwork as requested because of her disabilities and the lack of accommodations.

Damages

12. As a result of UVM's actions, Ms. Abdo has suffered damages, including but not limited to penalties to her grades, loss of tuition, delay of career and earning potential, damage to self-esteem, loss of enjoyment of life, emotional distress, costs and expenses, and attorney's fees.

Legal Bases

13. UVM's refusal and failure to reasonably accommodate Ms. Abdo's disabilities and its discriminatory treatment of her violate the Vermont Public Accommodations Act (VPAA), the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

14. By its failure to follow its own promises and contractual agreements, UVM's actions violate Vermont common law, including the doctrines of breach of contract and promissory estoppel.

15. By its actions described above, UVM was negligent and caused Ms. Abdo harm.

16. By its actions described above, UVM acted recklessly and with malice towards Ms. Abdo.

WHEREFORE, Ms. Abdo requests the Court to award her compensatory and punitive damages, along with refunds of tuition, back pay, other economic damages, attorney's fees, costs, expenses, and such other relief as the Court deems appropriate.

PLAINTIFF REQUESTS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated at Burlington, Vermont, this 15 day of January, 2002.

SUSAN ABDO

BY: BLACKWOOD ASSOCIATES, P.C.

By: Eileen M. Blackwood
Eileen M. Blackwood, Esq.
90 Main Street
P. O. Box 875
Burlington, VT 05402-0875
Tel: (802) 863-2517
Attorneys for Plaintiff

DISABILITIES LAW PROJECT OF
VERMONT LEGAL AID, INC.

By: Stacey F. Joroff
Stacey F. Joroff, Esq.
Vermont Legal Aid, Inc.
111 Main Street, Suite B
St. Johnsbury, VT 05819
Attorneys for Plaintiff